

## APPENDIX Z AERMP REPORTS

ENG Form 4858-R, Annual A-E Responsibility Management Program Report (Figure Z-1), and ENG Form 4858A-R, Quarterly A-E Liability Case Report (Figure Z-2) are used for AERMP reporting. The instructions are shown on the reverse of each form. These forms are locally reproducible. Also, the forms can be downloaded via the Internet as follows:

- Access USACE home page (<http://www.usace.army.mil>).
- Click on "Information."
- Click on "F" in alphabetic list of information links.
- Click on "Forms Library."
- Click on "PerFORM Pro Plus."
- Click on "e4858r.frs" or "e4858a-r.frs".
- Click on "Save" to save to hard drive of personal computer.
- Open and complete form using FormFlow software.

1. COMMAND:		ANNUAL A-E RESPONSIBILITY MANAGEMENT PROGRAM REPORT (EP 715-1-7) RCS: CEMP-E-32 (SEE REVERSE FOR INSTRUCTIONS)		2. FISCAL YEAR:	
3. LIABILITY CASES CARRIED OVER FROM LAST FISCAL YEAR		a. NUMBER OF CASES			
		b. TOTAL DAMAGES, \$			
4. LIABILITY CASES INITIATED IN THIS FISCAL YEAR		a. NUMBER OF CASES			
		b. TOTAL DAMAGES, \$			
5. LIABILITY CASES DROPPED IN THIS FISCAL YEAR		a. NUMBER OF CASES			
		b. INVESTIGATION & RECOVERY COSTS, \$			
		c. TOTAL DAMAGES, \$			
6. LIABILITY CASES SETTLED IN THIS FISCAL YEAR		a. NUMBER OF CASES			
		b. INVESTIGATION & RECOVERY COSTS, \$			
		c. TOTAL DAMAGES, \$			
		d. SETTLEMENT, \$			
7. LIABILITY CASES CARRIED FORWARD TO NEXT FISCAL YEAR		a. NUMBER OF CASES			
		b. TOTAL DAMAGES, \$			
8. EFFICIENCY RATIO		(5b + 6b)/(5c-5b + 6c-6b)			
9. RECOVERY RATIO		6d/(5c + 6c)			
10. REMARKS:					
11. PREPARED BY (AERC):		12. OFFICE SYMBOL:		13. TELEPHONE NO.:	

ENG FORM 4858-R, MAY 99

EDITION OF FEB 97 IS OBSOLETE.

(Proponent: CEMP-EC)

FIGURE Z-1. ENG FORM 4858-R, ANNUAL AERMP REPORT

## INSTRUCTIONS FOR ENG FORM 4858-R

General: This form is used to consolidate information from individual ENG Forms 4858A-R on A-E liability cases in an operating command. This report is submitted annually from operating commands to their MSCs, from MSCs to HQUSACE, ATTN: CEMP-EC. Instructions are provided below for items which are not self-explanatory. Attach additional sheets for remarks if needed.

1. Enter the three character office symbol; e.g., NWO for Omaha District.

5b./6b. Investigation and recovery costs are for cumulative total for the cases, not just for the year. Total damages includes the investigation and recovery costs.

EP 715-1-7  
31 May 99

1. COMMAND:	<b>QUARTERLY A-E LIABILITY CASE REPORT</b> (EP 715-1-7) RCS: CEMP-E-32 (SEE REVERSE FOR INSTRUCTIONS)				3. FISCAL YEAR:
2. CASE NUMBER:					4. QUARTER:
5. A-E NAME AND ADDRESS:	6. PROJECT TITLE AND LOCATION:		7. A-E CONTRACT NUMBER:		
		8. CONSTRUCTION CONTRACT NUMBER:			
9. DESCRIPTION OF DEFICIENCIES:					
<p>DISCIPLINE(S) INVOLVED: CIVIL___ ARCH. ___ STRUCT. ___ HVAC ___ PLUMBING ___ FIRE PROTECT. ___ ELECT. ___ OTHER ___</p>					
10. A-E POSITION/REBUTTAL:					
11. A-E NOTIFICATION:	12. LETTER OF INTENT:	13. DEMAND LETTER:	14. CONTRACTING OFFICER DECISION:	15. DATE OF APPEAL:	17. FINAL ACTION:
				16. DOCKET NO.:	___ DROPPED
					___ SETTLED
					DATE:
18. CONSTRUCTION DAMAGES, \$:	19. ANCILLARY COSTS, \$:	20. INVESTIGATION & RECOVERY COSTS, \$:	21. TOTAL DAMAGES (18 + 19 + 20), \$:	22. SETTLEMENT AMOUNT, \$:	23. EFFICIENCY RATIO, 20/(18 + 19):
					24. RECOVERY RATIO, 22/21:
25. SUMMARY OF EVENTS AND STATUS, INCLUDING CHANGES AND PROGRESS FROM LAST QUARTER:					
26. PREPARED BY (AERC):		27. OFFICE SYMBOL:		28. TELEPHONE NO.:	

ENG FORM 4858A-R, MAY 99

EDITION OF FEB 97 IS OBSOLETE.

(Proponent: CEMP-EC)

FIGURE Z-2. ENG FORM 4858A-R, QUARTERLY A-E LIABILITY CASE REPORT

## INSTRUCTIONS FOR ENG FORM 4858A-R

General: A separate form is required for each A-E liability case until it is dropped or settled. Instructions are provided below for items which are not self-explanatory. Attach additional sheets if needed.

1. Enter the three character office symbol; e.g., NWO for Omaha District.
2. Use the following format for the case number: FY-XXX, where FY is the fiscal year in which the liability case was originated and XXX is a serial number assigned sequentially for that fiscal year.
9. Identify key consultants by name, and city and state address, if involved.
11. Indicate date(s) and means (T=telephone; L=letter) of initial notification to the A-E firm.

15/16. Enter date and docket number of appeal to Armed Services Board of Contract Appeals (ASBCA), Engineer Board of Contract Appeals (EBCA), or Court of Federal Claims (CFC).

Note for Items 18-22: See EP 715-1-7, Appendix X for a detailed discussion of the determination of damages. Update damages, especially investigation and recovery costs, as the case progresses. Round-off to nearest dollar.

18. Enter the additional construction costs the Government incurred due to A-E design errors or omissions, or performance deficiencies, such as tearout, reinstallation, premium for expedited delivery, and delay and extended overhead.

19. Enter the S&A costs associated with the additional construction costs. Also include costs for redesign (if not performed by the original A-E firm), repurchase of equipment or construction, and lessened value.

20. Enter all costs to investigate the A-E liability and responsibility, and to pursue the recovery of damages. Do not include labor costs of personnel who normally charge to overhead.

25. Summarize key events in the case.

- a. This should generally be a one line entry for each event, e.g.:

- o 16 Apr 98: A-E rebuttal
- o 6 Jun 98: Conference with A-E
- o 1 Aug 98: A-E appeal to the ASBCA

Earlier entries do not have to be repeated for liability cases in the later stages of litigation.

- b. Make a concise statement on the present status. For example, when the last step has been a conference with the A-E, a statement might be made that there has been no change in the Government's position and the A-E has been told that a COD will be issued within 30 days.

- c. Give a brief statement of any changes in the case, such as the amount of damages, from the last report.